



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

December 8, 1993

Mr. David Frishman
Attorney at Law
5621 Third Street
Katy, Texas 77493

OR93-746

Dear Mr. Frishman:

On behalf of the Fort Bend Independent School District ("the district"), you ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code, formerly V.T.C.S. article 6252-17a.¹ Your request was assigned ID# 23300.

The district received a request for the following information:

[c]osts of Fort Bend ISD defending itself in the federal single member district lawsuit filed in November 1992 by Willie Rollins and Ervin Grice. Please inform us of all costs, including attorneys' fees and costs paid for expert witnesses.

You have enclosed attorney fee bills from two law firms. You seek to withhold the requested information from required public disclosure based on the attorney-client privilege and sections 552.101 and 552.107 of the Open Records Act. You also raise section 552.103.

Under the Open Records Act, a governmental body may withhold attorney fee bill information based on the attorney-client privilege and section 552.107 only if the

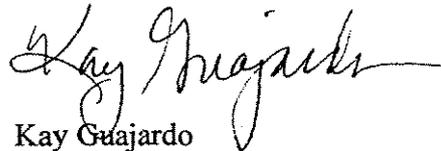
¹The Seventy-Third Legislature repealed V.T.C.S. article 6252-17a. Acts 1993, 73d Leg., ch. 268, § 46, at 988. The Open Records Act is now codified in the the Government Code at chapter 552. *Id.* § 1, at 599. This codification of the Open Records Act is a nonsubstantive revision. *Id.* § 47, at 988.

information reveals client confidences or attorney advice.² Open Records Decision Nos. 589 (1991); 574 (1990). Information about the cost of defending a lawsuit is not a client confidence or attorney advice. *See* Open Records Decision No. 589 (1991). Accordingly, the district may not withhold information about the cost of defending the lawsuit based on section 552.107 of the Open Records Act.

Section 552.103 permits a governmental body to withhold from required public disclosure information that relates to a pending or reasonably anticipated judicial or quasi-judicial proceeding. Open Records Decision No. 551 (1990). In this case, you have not explained how the cost of defending the lawsuit relates to the pending litigation. We, therefore, conclude that you must release information on the fee bills about the expenses and fees incurred in the litigation.

Because case law and prior published open records decisions resolve your request, we are resolving this matter with this informal letter ruling rather than with a published open records decision. If you have questions about this ruling, please contact this office.

Yours very truly,



Kay Guajardo
Assistant Attorney General
Open Government Section

KHG/rho

Ref.: ID# 23300

Enclosures: Submitted documents

cc: Ms. Patti Muck
Houston Chronicle
Reporter
801 Texas Avenue
Houston, Texas 77002
(w/o enclosures)

²In Open Records Decision No. 574 (1990), this office determined that section 552.107, rather than section 552.101, is the appropriate section for a governmental body to cite when seeking to withhold requested information based on the attorney-client privilege. You raise no other grounds for asserting section 552.101. Nor are we aware of any such grounds. We, therefore, do not consider the application of section 552.101 to the requested information.